

SECOND REGULAR SESSION

# SENATE BILL NO. 988

95TH GENERAL ASSEMBLY

---

---

INTRODUCED BY SENATORS SHOEMYER AND CLEMENS.

Read 1st time February 23, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5192S.011

---

---

## AN ACT

To amend chapter 260, RSMo, by adding thereto one new section relating to composting facilities.

---

---

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 260, RSMo, is amended by adding thereto one new  
2 section, to be known as section 260.251, to read as follows:

**260.251. 1. This section shall be known and may be cited as the  
2 "Missouri Soil Enrichment Initiative". For purposes of this section, the  
3 following terms shall mean:**

4 (1) "Compost", the product resulting from the controlled  
5 biological decomposition of organic material that has been sanitized  
6 through the generation of heat and stabilized to the point that it is  
7 beneficial to plant growth;

8 (2) "Composting", the controlled biological decomposition of  
9 organic material under aerobic conditions;

10 (3) "Composting facility", a facility where organic material is  
11 collected or processed into compost, including, but not limited to, a  
12 transfer facility which accepts organic material for temporary storage  
13 or consolidation and further transfer to a composting facility;

14 (4) "Department", the Missouri department of natural resources;

15 (5) "Organic material", matter that comes from a once-living  
16 organism and is capable of decay.

17 2. The department shall maintain a registry of composting  
18 facilities in this state. Such registry shall be easily accessible to the  
19 public through the department's website and shall contain information  
20 regarding the many benefits of using compost to enrich the soil, reduce  
21 erosion, and promote the active recycling of organic materials. The

22 registry shall also make it possible for the public to identify registered  
23 composting facilities by location.

24 3. Composting facilities in operation as of August 28, 2010, shall  
25 register with the department within sixty days of the effective date of  
26 this section. Composting facilities commencing operation after August  
27 28, 2010, shall register with the department prior to accepting or  
28 composting organic material. Such registration shall be valid for a  
29 period of one year, after which, if the composting facility is still in  
30 operation, the composting facility shall file a renewal registration with  
31 the department. Renewal registrations shall also be valid for a period  
32 of one year and shall be continually filed on such basis until the  
33 composting facility ceases operation.

34 4. From each registered composting facility, the department shall  
35 annually collect a fee based on the combined size of the facility and any  
36 affiliated transfer facility or facilities as follows:

- 37 (1) Five hundred dollars for less than five acres;  
38 (2) One thousand dollars for five acres but less than ten acres;  
39 (3) Two thousand five hundred dollars for ten or more acres.

40 No fee shall be required of composting facilities owned or operated by  
41 political subdivisions.

42 5. Each registered composting facility shall file an annual report  
43 with the department. In addition to any other information the  
44 department may require, the report shall document the amount of  
45 organic material received, the amount of compost sold, and that the  
46 composting facility and any affiliated transfer facility or facilities are  
47 being operated in a manner that prevents nuisances and minimizes  
48 anaerobic conditions.

49 6. All fees collected under this section shall be deposited to the  
50 credit of the solid waste management fund and shall be used to fund  
51 activities of the solid waste management program.

52 7. This section shall not apply to agricultural composting  
53 facilities or to residential composting facilities where the end product  
54 is intended entirely for personal use.

55 8. The department shall promulgate rules to implement the  
56 provisions of this section. Any rule or portion of a rule, as that term is  
57 defined in section 536.010, that is created under the authority delegated  
58 in this section shall become effective only if it complies with and is

59 subject to all of the provisions of chapter 536 and, if applicable, section  
60 536.028. This section and chapter 536 are nonseverable and if any of  
61 the powers vested with the general assembly under chapter 536 to  
62 review, to delay the effective date, or to disapprove and annul a rule  
63 are subsequently held unconstitutional, then the grant of rulemaking  
64 authority and any rule proposed or adopted after August 28, 2010, shall  
65 be invalid and void.

✓  
Unofficial

Bill

Copy